IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 33225 of 2006(E)

PETITIONER:

GIREESH KUMAR.C., AGED 33 YEARS,
S/O.C.GOVINDAN NAIR, CHERULLY HOUSE,
KARIKKAD VILLAGE, KARIKKAD P.O., THALAPPILLY
TALUK, THRISSUR DISTRICT.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:

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1. KUNNAMKULAM MUNICIPALITY,
KUNNAMKULAM, THRISSUR DISTRICT,
PIN-680 503, REPRESENTED BY ITS
MUNICIPAL SECRETARY.

2. ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,
KUNNAMKULAM, THRISSUR DISTRICT.

BY ADV. SRI.GRACIOUS KURIAKOSE
BY SRI.JOSE J.MATHEIKAL (SC FOR K KSEB)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 33225 of 2006

Dated this 12th day of January, 2007

JUDGMENT

Heard Sri.Shoby K.Francis, the learned counsel for the petitioner, Sri.Grashious Kuriakose, the learned counsel for the respondent Municipality and Sri.Jose J.Matheikal, the learned Standing Counsel for the Kerala State Electricity Board. Sri.Shoby K. Francis would place before me a copy of the letter dated 10.1.2007 issued to the petitioner by the Assistant Engineer of the concerned Electrical Section. Going by that letter, it is seen that the electricity charges is in arrear from October 1998 in respect of the connection in question and as on 23.12.2006 a sum of Rs.19,920/- inclusive of Sur charge upto date is due.

2. The Standing Counsel submits that the connection stands in the name of one Sugathapalan and on 23.12.2006 a notice of dismantling has been issued to Sri. Sugathapalan to pay 34,519/- within a period of 15 days, failing which the

connection will be dismantled. If the petitioner wants to avoid such a situation, he will have to pay Rs.34,598/-, the amount stated in the notice dated 23.11.2006.

3. Mr.Grashious Kuriakose the learned counsel for the Municipality would submit that it is not correct to say that the petitioner came into the possession of the room in question only 24.10.2005. Even though agreement was executed on 24.10.2005 he was actually put in possession on 1.4.2005, counsel submits.

4. Considering the rival submissions made before me, I am of the view that it would be responsibility of the Municipality and Sri.Sugathapalan to pay current charges due in respect of the connection for the period up to 1.4.2005. Since there is threat of dismantlement by the Electricity Board and since it is the requirement of the petitioner to have a connection, I am of the view that the petitioner is to remit a sum of Rs.34,598/- demanded by the Electricity Board within one month from today.

This writ petition will stand disposed of directing the

petitioner to remit a sum of Rs.34,598/- (Rupees Thirty Four Thousand Five Hundred Ninety Eighty) demanded by the Electricity Board within one month from today. Thereupon the Electricity Board (2nd respondent) will do the needful to give connection in the premises in question. After obtaining connection, the petitioner will be entitled to claim reimbursement of proportionate amounts from the first respondent Municipality who will in turn be entitled to claim the amounts from Sri.Sugathapalan who is originally liable. The Municipality will reimburse the amounts proportionately payable by them to the petitioner. Municipality will pay the amounts due to the petitioner by way of reimbursement of the proportionate current charges payable for the period upto 1.4.2005 at the earliest and at any rate within one month petitioner lodging a claim in that regard before the Municipality.

PIUS C.KURIAKOSE
Judge

dpk